



Senate

General Assembly

File No. 334

January Session, 2001

Substitute Senate Bill No. 1271

Senate, April 18, 2001

The Committee on Government Administration and Elections reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT TRANSFERRING INDIAN AFFAIRS COUNCIL MATTERS TO THE OFFICE OF POLICY AND MANAGEMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 47-59b of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (b) The Indian Affairs Council shall review the regulations
4 governing Indian affairs in the state of Connecticut and advise the
5 [Commissioner of Environmental Protection on promulgation]
6 Secretary of the Office of Policy and Management regarding the
7 adoption of new regulations. The council shall report annually, no later
8 than September first, to the Governor and the General Assembly on the
9 activities of the council and the state of affairs of the Indian people in
10 the state.

11 Sec. 2. Section 47-65 of the general statutes is repealed and the
12 following is substituted in lieu thereof:

13 (a) The [Commissioner of Environmental Protection] Secretary of
14 the Office of Policy and Management with the advice of the Indian
15 Affairs Council shall have responsibility for the care and management
16 of reservation lands. The [commissioner] secretary and the council
17 shall establish the boundaries of such reservations by land survey and
18 shall file a map of the same in the land records of the appropriate
19 towns.

20 (b) All reservation buildings not privately owned shall be subject to
21 the care and management of the [Commissioner of Environmental
22 Protection] Secretary of the Office of Policy and Management. The
23 [commissioner] secretary with the advice of the Indian Affairs Council
24 shall, upon the petition of the resident, make major repairs and
25 improvements to the exterior of any such building and its heating,
26 water, electric, sewage disposal and plumbing systems as are
27 necessary to insure habitable living conditions. The resident of any
28 building shall assume responsibility for the interior maintenance of
29 floors, walls and ceilings and minor maintenance of the building and
30 its heating, water, electric, sewage disposal and plumbing systems,
31 provided the [commissioner] secretary shall supply necessary
32 materials for such systems.

33 (c) The council may, upon petition of an Indian resident without
34 sufficient means to support himself or herself, provide assistance in an
35 amount necessary to maintain a standard of living in the home
36 compatible with the well-being of the resident. The council shall
37 provide other services as it deems necessary to insure the well-being of
38 all persons residing on the reservations.

39 (d) The [commissioner] secretary and the council may adopt [and
40 amend regulations pursuant to] regulations, in accordance with
41 chapter 54, to carry out the provisions of subsections (a) and (b) of this
42 section. The council shall adopt regulations, in accordance with
43 chapter 54, which prescribe eligibility standards for assistance and

44 services under subsection (c) of this section.

45 (e) The Governor is hereby designated the administrative agent of
46 the state to apply for any funds or other aid, cooperate and enter into
47 contracts and agreements with the federal government, the Indian
48 Housing Authority or any other appropriate state or local agency for
49 the purpose of providing necessary services to housing projects to be
50 located on Indian reservations within the state of Connecticut or for
51 any other purpose which the Congress of the United States or the
52 General Assembly has authorized or may authorize for expenditures
53 compatible with the services provided for in this chapter. The
54 Governor is authorized in the name of the state to make all
55 applications, sign all documents, give assurances and do all other
56 things necessary to carry out the provisions of this chapter.

57 Sec. 3. Section 47-66 of the general statutes is repealed and the
58 following is substituted in lieu thereof:

59 Tribal funds shall be under the care and control of the
60 [Commissioner of Environmental Protection] Secretary of the Office of
61 Policy and Management with the advice of the Indian Affairs Council
62 and may be used for the purposes set forth in section 47-65, as
63 amended by this act. Said [commissioner] secretary shall annually
64 settle [his] the secretary's accounts of the affairs of each tribe with the
65 Comptroller, and [his] the secretary's report to the Governor shall
66 furnish, with respect to each tribe, a statement of the amount and
67 condition of its fund, an estimate of the value of its lands and the
68 income annually received and the expenditures made by said
69 [commissioner] secretary from such fund. Said [commissioner]
70 secretary may maintain an action in [his] the secretary's name to
71 recover any property misappropriated from a reservation.

72 Sec. 4. Section 47-66g of the general statutes is repealed and the
73 following is substituted in lieu thereof:

74 The [Commissioner of Environmental Protection] Secretary of the
75 Office of Policy and Management with the advice of the Indian Affairs
76 Council shall manage the state's interest in Indian affairs not otherwise
77 specified in this chapter, including, but not limited to, maintaining
78 state documents, providing information to tribal members and
79 coordinating governmental grant programs.

80 Sec. 5. Section 10-382 of the general statutes is repealed and the
81 following is substituted in lieu thereof:

82 There is established a Native American Heritage Advisory Council
83 to evaluate and make recommendations on the Native American
84 heritage to the State Archaeologist and the Connecticut Historical
85 Commission. Such council shall consist of the following members: One
86 representing each of the following Indian tribes, appointed by the
87 tribe: The Schaghticoke, the Paucatuck Eastern Pequot, the
88 Mashantucket Pequot, the Mohegan and the Golden Hill Paugussett;
89 one representing the Indian Affairs Council, appointed by the
90 chairperson of the council; one representing the [Commissioner of
91 Environmental Protection, appointed by said commissioner] Secretary
92 of the Office of Policy and Management, appointed by the secretary;
93 one representing the Archaeological Society of Connecticut, appointed
94 by the president pro tempore of the Senate; and three who are
95 knowledgeable in Native American history, traditions and
96 archaeology, one appointed by the speaker of the House of
97 Representatives, one appointed by the minority leader of the House of
98 Representatives and one appointed by the minority leader of the
99 Senate.

100 Sec. 6. Section 47-64 of the general statutes is repealed and the
101 following is substituted in lieu thereof:

102 (a) Each tribe shall determine who may live on reservation land
103 [provided] except that any person lawfully residing on a reservation

104 on October 1, 1989, may continue to reside on such reservation.
105 Residents may be removed in accordance with rules filed under
106 section 47-66j.

107 (b) Each tribe may lease reservation land for not more than twenty-
108 five years.

109 (c) Notwithstanding any provision of the general statutes or any
110 special act, [to the contrary,] any Indian reservation property that
111 escheats to the state shall be preserved as an Indian historical area,
112 under the control of the [Department of Environmental Protection]
113 Office of Policy and Management.

114 Sec. 7. Section 47-66d of the general statutes is repealed and the
115 following is substituted in lieu thereof:

116 Notwithstanding the provisions of subsection (b) of section 47-64, as
117 amended by this act, any real property located on an Indian
118 reservation, as defined in section 47-63, required by a tribal authority
119 for use in its area of operation in providing housing shall be leased to
120 the housing authority by the respective tribal governing body with the
121 approval of the [Commissioner of Environmental Protection,]
122 Secretary of the Office of Policy and Management upon such lawful
123 terms as shall be agreeable to the parties.

Statement of Legislative Commissioners:

In section 2(d), "chapter 54" was referenced and in section 6(c), "to the contrary" was bracketed. Both changes were made for statutory consistency.

GAE *JOINT FAVORABLE SUBST.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: See Explanation Below

Affected Agencies: Department of Environmental Protection,
Office of Policy and Management

Municipal Impact: None

Explanation

State Impact:

The bill transfers the Indian Affairs Council matters, including the oversight and management of Native American affairs, to the Office of Policy and Management (OPM) from the Department of Environmental Protection (DEP). Currently, the DEP has one full-time staff person working on these programs. The legislation would require the transfer of the one employee, the Indian Affairs coordinator (\$67,729), and associated other expense costs of less than \$3,000 per year to OPM from the DEP.

OLR Bill Analysis

sSB 1271

AN ACT TRANSFERRING INDIAN AFFAIRS COUNCIL MATTERS TO THE OFFICE OF POLICY AND MANAGEMENT.**SUMMARY:**

This bill transfers oversight of, and management of the state's interests in, Native American affairs from the Department of Environmental Protection (DEP) to the Office of Policy and Management (OPM). With respect to most matters, the OPM secretary acts, as the current DEP commissioner currently does, with the advice of the Indian Affairs Council.

The effect of the transfer is that OPM, rather than DEP, would:

1. care for and manage nonprivate buildings located on reservations;
2. maintain care and control of tribal funds;
3. manage the state's interest in maintaining Native American affairs, such as maintaining state documents, providing information to tribal members, and coordinating governmental grant programs; and
4. have a representative on the Native American Heritage Advisory Council.

EFFECTIVE DATE: October 1, 2001

BACKGROUND***Indian Affairs Council***

The Indian Affairs Council is an eight-member advisory body that annually reports to the governor and the legislature on council activities and the condition of Native Americans in the state. The

council helps to adopt regulations regarding Native American affairs and can provide financial assistance to Native Americans who need help supporting themselves. Council members consist of three private, non-Native American state electors appointed by the governor and one representative each from the Schaghticoke, Paucatuck Eastern Pequot, Mashantucket Pequot, Mohegan, and Golden Hill Paugussett tribes.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Report

Yea 12 Nay 7